

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

LOUIS BENAVIDEZ,

Petitioner,

v.

No. 15-cv-0262 LH/SMV

**VINCENT HORTON and
HECTOR BALDERAS,**

Respondents.

ORDER

THIS MATTER is before the Court sua sponte under rule 4 of the Rules Governing Section 2254 Cases, on Petitioner's Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus, and the Court having determined that the Petition is not subject to summary dismissal.

IT IS THEREFORE ORDERED that the Clerk is directed to forward copies of this Order and the Petition and supporting papers and exhibits, if any, to Respondents and the New Mexico Attorney General;

IT IS FURTHER ORDERED that Respondents answer the Petition within **30 days** from entry of this Order. Respondents' answer(s) shall advise, but is not limited to, whether Petitioner has exhausted his state court remedies as to the issues raised in the federal Petition. Respondents shall attach to their answer(s) copies of any pleading pertinent to the issue of exhaustion which was filed by Petitioner in the sentencing court, the state district court, the state court of appeals and the state supreme court, together with copies of all memoranda filed by both parties in support of or in response to those pleadings. Respondents shall also attach to the answer(s) copies of all state court findings and conclusions, docketing statements, and opinions issued in Petitioner's state

court post-conviction or appellate proceedings. The answer(s) must describe the procedural history of each claim that Respondents contends is unexhausted and identify the State procedures that are currently available to Petitioner.

IT IS SO ORDERED.



STEPHAN M. VIDMAR
United States Magistrate Judge